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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,814	06/21/2001	Randy L. Hackbarth	3-4-13	6861

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THOMAS STAFFORD  
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4173 ROTHERHAM COURT  
PALM HARBOR, FL 34685

EXAMINER

KANG, PAUL H

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,814

Applicant(s)

HACKBARTH ET AL.

Examiner

Paul H. Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Examiner Sajid Yussuf is no longer assigned to the present patent application. This application is now assigned to Examiner Paul H. Kang. In examining this patent application, full faith and credit has been given to the search and action of the previous examiner. MPEP § 719.05.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- b. Determining the scope and contents of the prior art.
- c. Ascertaining the differences between the prior art and the claims at issue.
- d. Resolving the level of ordinary skill in the pertinent art.
- e. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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**4. Claims 7-12, 19-24, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Megiddo et al. (US Patent No. 6,559,863 and Megiddo hereinafter) in view of Shiio et al. (US Patent No. 5,491,743 and Shiio hereinafter).**

5. As per claim(s) 1, 13, 25 Megiddo teaches the invention substantially as claimed. Megiddo discloses enabling a plurality of participants in a group to participant in an ongoing conference, (see Abstract); automatically collecting participation information of each of said participants in said group, (See Column 7 Lines 30-47); automatically determining which of said participants in said group are currently active in said conference, (See Column 5 Lines 29-56); and dynamically displaying a visual representation indicating which of said participants in said group are active in said conference, (See Column 1 Lines 35-56).

However, Megiddo does not explicitly teach automatically collecting participation information by monitoring the states of all devices connected to said conference and making that information available to all participants without requiring participant generated explicit commands to do so.

In the same field of endeavor, Shiio teaches a virtual conference system wherein the system automatically collecting participation information by monitoring the states of all devices connected to said conference and making that information available to all participants without requiring participant generated explicit commands to do so (Shiio, col. 6, lines 10-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the participation monitoring as taught by Shiio into the

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system of Megiddo since it is desirable to present current participant information, e.g. where a connection is lost.

6. As per claim(s) 2, 14, 26 Megiddo-Shiio teach the claimed invention as described in claim(s) 1, 13, 25 above and furthermore discloses enabling participants of said group not currently active in said conference to monitor said conference, (See Megiddo, Column 1 Lines 56-67 & Column 2 Lines 1-9).

7. As per claim(s) 3, 15 Megiddo-Shiio teach the claimed invention as described in claim(s) 1-2, 13-14 above and furthermore discloses enabling said participants monitoring said conference to become active in said conference, (See Megiddo, Column 6 Lines 29-40).

8. As per claim(s) 4, 16 Megiddo-Shiio teach the claimed invention as described in claim(s) 1-3, 13-15 above and furthermore discloses enabling said participants monitoring said conference to listen to said conference, (See Megiddo, Column 7 Lines 7-30).

9. As per claim(s) 5, 17 Megiddo-Shiio teach the claimed invention as described in claim(s) 1-4, 13-16 above and furthermore discloses automatically collecting information on devices connecting to participants to said conference and wherein said step of dynamically displaying displays said device information to all of said participants, (See Megiddo, Column 5 Lines 29-56).

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10. As per claim(s) 6, 18 Megiddo-Shiio teach the claimed invention as described in claim(s) 1-5, 13-17 above and furthermore discloses automatically collecting information on whether said active participants have spoken in said conference, (See Megiddo, Column 5 Lines 57-67 & Column 6 Lines 1-10).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

f. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- g. Determining the scope and contents of the prior art.
- h. Ascertaining the differences between the prior art and the claims at issue.
- i. Resolving the level of ordinary skill in the pertinent art.
- j. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. ***Claims 7-12, 19-24, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Megiddo-Shiio in view of Ludwig et al. (US Patent No. 5,884,039 and Ludwig hereinafter).***

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14. As per claim 7, 19, 27 Megiddo-Shiio teach the claimed invention as described above.

However, Megiddo does not explicitly teach automatically collecting information regarding prior conference participation of each of said participants.

Ludwig teaches automatically collecting information regarding prior conference participation of each of said participants, (See Ludwig, Column 31 Lines 5-55).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Megiddo with the teachings of Ludwig to include a automatically collecting information regarding prior conference participation of each of said participants with the motivation to provide for multimedia that permits the asynchronous exchange of arbitrary multimedia documents including previously recorded teleconferences, (See Ludwig Column 3 Lines 15-29).

15. As per claim(s) 8, 20 Megiddo-Shiio teach the claimed invention as described above.

However, Megiddo does not explicitly teach said prior participation information includes at least whether a participant was active in the conference.

Ludwig teaches said prior participation information includes at least whether a participant was active in the conference, (See Ludwig, Column 33 Lines 38-67).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Megiddo with the teachings of Ludwig to include a said prior participation information includes at least whether a participant was active in the conference with the motivation to provide for multimedia that permits the asynchronous

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exchange of arbitrary multimedia documents including previously recorded teleconferences, (See Ludwig Column 3 Lines 15-29).

16. As per claim(s) 9, 21 Megiddo-Shiio teach the claimed invention as described above.

However, Megiddo-Shiio do not explicitly teach said prior participation information further includes whether a participant spoke in the conference.

Ludwig teaches said prior participation information further includes whether a participant spoke in the conference, (See Ludwig, Column 33 Lines 38-67).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Megiddo-Shiio with the teachings of Ludwig to include a said prior participation information further includes whether a participant spoke in the conference with the motivation to provide for multimedia that permits the asynchronous exchange of arbitrary multimedia documents including previously recorded teleconferences, (See Ludwig Column 3 Lines 15-29).

17. As per claim(s) 10, 22, 28 Megiddo-Shiio teach the claimed invention as described above.

However, Megiddo-Shiio do not explicitly teach collecting participation information includes a step of collecting information on whether a participant has been active and/or an actual speaker in the conference during the conference.



Ludwig teaches collecting participation information includes a step of collecting information on whether a participant has been active and/or an actual speaker in the conference during the conference, (See Ludwig, Column 33 Lines 38-67).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Megiddo-Shiio with the teachings of Ludwig to include a collecting participation information includes a step of collecting information on whether a participant has been active and/or an actual speaker in the conference during the conference with the motivation to provide multimedia that permits the asynchronous exchange of arbitrary multimedia documents including previously recorded teleconferences, (See Ludwig Column 3 Lines 15-29).

18. As per claim(s) 11, 23, 29 Megiddo-Shiio teach the claimed invention as described above.

However, Megiddo-Shiio do not explicitly teach step of collecting participation information further includes a step of collecting said participation information for prescribed intervals of said conference.

Ludwig teaches step of collecting participation information further includes a step of collecting said participation information for prescribed intervals of said conference, (See Ludwig, Column 33 Lines 38-67).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Megiddo-Shiio with the teachings of Ludwig to include a step of collecting participation information further includes a step of

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collecting said participation information for prescribed intervals of said conference with the motivation to provide for multimedia that permits the asynchronous exchange of arbitrary multimedia documents including previously recorded teleconferences, (See Ludwig Column 3 Lines 15-29).

19. As per claim(s) 12, 24 Megiddo-Shiio disclose the claimed invention as described above.

However, Megiddo-Shiio do not explicitly teach said prescribed intervals include at least each day of the conference interval, each hour of each said day, each minute of each of said hours and each second of each of said minutes.

Ludwig teaches said prescribed intervals include at least each day of the conference interval, each hour of each said day, each minute of each of said hours and each second of each of said minutes, (See Ludwig, Column 33 Lines 38-50).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Megiddo-Shiio with the teachings of Ludwig to include a said prescribed intervals include at least each day of the conference interval, each hour of each said day, each minute of each of said hours and each second of each of said minutes with the motivation to provide for multimedia that permits the asynchronous exchange of arbitrary multimedia documents including previously recorded teleconferences, (See Ludwig Column 3 Lines 15-29).

***Response to Arguments***

20. Applicant's arguments with respect to claims 1-4, 6-16, 18-24 have been considered but are moot in view of the new ground(s) of rejection. The applicants argued in substance that the prior art of record failed to teach the newly added limitation of monitoring the status of the user to determine session status. The new grounds of rejection teaches this feature.

***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

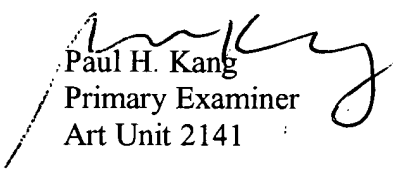
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul H. Kang  
Primary Examiner  
Art Unit 2141